

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Douglas A. Bulleit et al.)	
Serial No.:	10/605,928)	Group Art Unit:
)	2623
Filed:	November 6, 2003)	Examiner:
)	Saint Cyr
For:	SYSTEM FOR PROVIDING CONTENT)	
	TO MULTIPLE USERS)	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In response to the Final Office Action mailed February 22, 2008, and in conjunction with the concurrently filed Notice of Appeal, Applicants request a pre-Appeal conference in view of the following remarks.

REMARKS

In response to the Office Action dated February 22, 2008, Applicants respectfully request reconsideration in a Pre-Appeal Brief Conference based on the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claims 1, 3, 4, 17, 18 and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Zhou. This rejection is traversed for the following reasons.

In applying Zhou, the Examiner misconstrues Zhou, which results in an improper rejection. In general, the Examiner states that portions of broker 100 are part of a consumer location 10. As these two elements are separate in Zhou, it is not clear how the consumer location 10 can include elements from broker 100.

Claim 1 recites, *inter alia*, “a plurality of consumer networks located at a plurality of consumer locations, each consumer network including a controller and a consumer storage device.” In applying Zhou, the Examiner cites to element 10 as corresponding to the claimed consumer network by virtue of citing paragraph [0001] of Zhou describing the location where display devices are located. This corresponds to television 14 at customer site 10. The Examiner continues with “each consumer network (see fig. 5, element 100, broker or any person).” The broker 100 is not part of consumer location 10. Claim 1 recites that the consumer network is at a consumer location. As the Examiner has already correctly construed element 10 as the consumer location, broker 100 cannot be the consumer network as the broker 100 is not at the consumer location 10. Further, the Examiner states that the claimed controller, which is claimed as part of the consumer network, is met by element 320 of Zhou. Element 320 of Zhou is part of the broker 100, not part of the consumer network at location 10. Further, the Examiner states that the claimed consumer storage device, which is claimed as part of the consumer network, is met by elements 350 and 360 of Zhou. Elements 350 and 360 of Zhou are part of the broker 100, not part of the consumer network at location 10.

The next element of claim 1 is “a distribution network coupling said content source to said controller of said consumer networks, said distribution network including network storage devices and network processors.” In applying Zhou, the Examiner cites to element 360 as being the distribution network storage devices. The Examiner, however, has already

characterized element 360 as being part of the consumer network. Storage media 360 cannot both be part of a consumer network at a consumer location and part of a distribution network.

Claim 1 also recites “a grid computing platform including said controllers, said network processors, said consumer storage devices and said network storage devices, said grid computing platform providing storage of said content across network storage devices and consumer storage devices and distribution of said content to one or more of said consumer networks, said controllers, said network processors, said consumer storage devices and said network storage devices executing grid applications to provide distributed processing of content distribution tasks.” It is acknowledged that Zhou discloses controllers and storage in the broker 100. As noted above, there are flaws in the Examiner’s interpretation of the components of the broker 100 corresponding to elements in the claimed consumer network. That aside, there is no teaching of the broker 100 “executing grid applications to provide distributed processing of content distribution tasks” in conjunction with a consumer network (which does not exist in Zhou as claimed). This language of claim 1 is basically ignored in the rejection. Claim 1 recites a consumer network and distribution network that cooperate to establish a grid computing platform. This concept is completely lacking in Zhou.

For at least the above reasons, claim 1 is patentable over Zhou. Claims 3, 4 and 17-19 variously depend from claim 1 and are patentable over Zhou for at least the reasons advanced with reference to claim 1.

Claims 2 and 5-16 were rejected under 35 U.S.C. § 103 as being unpatentable over Zhou in view of Kenner. This rejection is traversed for the following reasons.

Kenner was relied upon for disclosing various content delivery options, but fails to cure the deficiencies of Zhou discussed above with reference to claim 1. Kenner describes a variety of network elements, but makes no reference to grid applications or a grid computing platform. Claims 2 and 5-16 depend from claim 1 and are patentable over Zhou in view of Kenner for at least the reasons advance with reference to claim 1.

Further, claim 9 recites “said first portion is even video frames and said second portion is odd video frames.” The Examiner cites to Kenner for allegedly teaching this feature in column 32, lines 51-53 and column 33, lines 1-2. These sections of Kenner refer to tying additional information to frames or segments of video. An example is using a code

along with a video clip to insert a graphical object. This has nothing to do with even or odd frames of video. Thus, claim 9 is patentable over Zhou in view of Kenner.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

If any extensions of time are required under 37 C.F.R. 1.136, Applicants hereby petition for such extensions of time and authorize any extension fees to be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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